

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
DOCKET NO. 5:16-cv-00198-FDW-DSC

WÄRTSILÄ TECHNOLOGY OY AB and)
WARTSILA DEFENSE, INC.,)
Plaintiffs,)
vs.)
COASTAL SEAL SERVICE, LLC,)
Defendant.)

ORDER and NOTICE

THIS MATTER is before the Court on the parties' Joint Motion to Stay (Doc. No. 37), filed March 16, 2018. In that motion, the parties stated, "Plaintiffs and Defendant jointly report that they have reached a settlement in principle. The parties expect the settlement to be consummated and a motion to dismiss all claims and counterclaims to be filed within the next thirty (30) days." (Doc. No. 37, p. 1.) Although the motion remains pending, the requested thirty day deadline to file a dismissal – a date set by the parties themselves – has expired. Yet, the parties have failed to file any stipulation of dismissal, motion for dismissal, motion for consent judgment, or other pleading to resolve this case. Moreover, this Court routinely denies motions to stay because of settlement negotiations where such stay would impact hearing and trial settings. Accordingly, the motion is DENIED.

The Parties have been on notice that this case was scheduled for trial to commence during the May 7, 2018, term since the Case Management Order was entered on February 23, 2017. (Doc. No. 25). This case was subsequently transferred to the undersigned, where it remains for trial beginning May 7, 2018. Trial in this matter will not begin any earlier than May 7, 2018, when the

matter was initially calendared; however, the parties shall appear for docket call at 9:00 A.M. on May 1, 2018, to be proceeded by jury selection on May 2, 2018.

TAKE NOTICE that Docket Call for this case will occur on Tuesday, May 1, 2018 at 9:00 am in Courtroom #1-1 of the Charles R. Jonas Federal Building, 401 W. Trade Street, Charlotte, N.C. 28202.

THEREFORE, IT IS ORDERED that the parties shall submit their joint pretrial submission in accordance with this Court's standing orders (Standing Order Governing Civil Case Management before the Honorable Frank D. Whitney, Case Management Order (Jury Trial), (3:07-mc-47 (Doc. No. 2-2)) by 5:00 pm on April 30, 2018. Should the parties want to avoid these filing deadlines and notices to appear in Court for docket call and jury selection, an appropriate dismissal motion must be filed in advance of the deadlines and hearings.

IT IS ALSO ORDERED that the parties' Joint Motion to Stay (Doc. No. 37) is DENIED.

IT IS SO ORDERED.

Signed: April 24, 2018



Frank D. Whitney
Chief United States District Judge